

EDUCATION DEPARTMENT[281]

Notice of Intended Action

**Proposing rule making related to child development grants and coordinating council
and providing an opportunity for public comment**

The Department of Education hereby proposes to amend Chapter 64, “Child Development Coordinating Council,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 256.7(5).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code chapter 256A.

Purpose and Summary

Items 1, 2, 5, 6, and 7 contain nonsubstantive amendments based on the suggestion of the Council to use “person first” language. Item 3 corrects the name of an organization. Item 4 contains two amendments to streamline the business operations of the Council. Item 8 contains revisions required by 2015 Iowa Acts, House File 658, which made changes to the criteria applicable to grantees. Item 8 also contains nonsubstantive amendments to use “person first” language.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the State Board of Education for a waiver of the discretionary provisions, if any, pursuant to 281—Chapter 4.

Public Comment

Any interested person may submit written or oral comments concerning this proposed rule making. Written or oral comments in response to this rule making must be received by the State Board of Education no later than 4:30 p.m. on March 27, 2018. Comments should be directed to:

Nicole Proesch
Iowa Department of Education
Grimes State Office Building, Second Floor
Des Moines, Iowa 50319-0146
Fax: 515.242.5988
Email: nicole.proesch@iowa.gov
Phone: 515.281.8661

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 27, 2018
1 p.m.

State Board Room, Second Floor
Grimes State Office Building
East 14th Street and Grand Avenue
Des Moines, Iowa

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend a public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact the State Board of Education and advise of specific needs by calling 515.281.5295.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its regular monthly meeting or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 281—64.1(256A,279) as follows:

281—64.1(256A,279) Purpose. These rules structure the child development coordinating council, whose purpose is to promote the provision of services to ~~at-risk~~ three- and four-year-old children who are at risk and public school child development programs for ~~at-risk~~ three-, four-, and five-year-old children who are at risk. These rules also set forth the procedures and conditions under which state funds shall be made available to assist local child development programs for ~~at-risk~~ children who are at risk.

ITEM 2. Amend rule **281—64.2(256A,279)**, definition of “At-risk student,” as follows:

~~“At-risk student~~ *Children who are at risk*” means a student who meets one or more of the primary and secondary risk factors stated in rules 281—64.7(256A,279) and 281—64.8(256A,279).

ITEM 3. Amend rule 281—64.3(256A,279) as follows:

281—64.3(256A,279) Child development coordinating council. The council members shall be as provided in Iowa Code section 256A.2. The Iowa resident parent shall be chosen by the ~~Head Start director's association in consultation with the Head Start parents' association~~ Iowa Head Start Association.

ITEM 4. Amend rule 281—64.4(256A,279) as follows:

281—64.4(256A,279) Procedures.

64.4(1) A quorum shall consist of two-thirds of the voting members.

64.4(2) and **64.4(3)** No change.

64.4(4) The chairperson and vice-chair shall be elected by the council for a term of two years. After the initial two-year term as vice-chair, the vice-chair shall assume the role of chairperson for a term of two years.

ITEM 5. Amend rule 281—64.6(256A,279) as follows:

281—64.6(256A,279) Eligibility identification procedures. In a year in which funds are made available by the Iowa legislature, the council shall grant awards on a competitive basis to child development programs for ~~at-risk~~ three- and four-year-old children who are at risk and public school child development programs for ~~at-risk~~ three-, four-, and five-year-old children on a competitive basis who are at risk. Competitive grants will be awarded with a renewal option for up to five years when grantees meet program requirements. If program requirements are not met, the department may discontinue grant funding at the start of the following fiscal year.

ITEM 6. Amend subrules 64.7(1) and 64.7(2) as follows:

64.7(1) Child development grants. At least 80 percent of the funded available enrollment slots for ~~at-risk~~ three- and four-year-old children who are at risk shall be directed to serve children in primary eligibility categories as follows:

- a. Children reaching three or four years of age on or before September 15 of the contract year; and
- b. Members of a low-income family.

64.7(2) Public school child development grants. At least 80 percent of the funded available enrollment for ~~at-risk~~ three-, four-, and five-year-old children who are at risk in public school child development programs shall be directed to serve children in primary eligibility categories as follows:

- a. Children reaching three, four, or five years of age on or before September 15 of the contract year; and
- b. Members of a low-income family.

ITEM 7. Amend subrule 64.9(2) as follows:

64.9(2) Additional grant components. The following information shall be provided and points shall be awarded to applicants based on the following additional components.

1. Program summary.
2. Research documentation.
3. Identification and documentation of local ~~at-risk population~~ populations who are at risk.
4. Letters of community support.
5. Program budget (administrative costs not to exceed 10 percent of total award).

ITEM 8. Amend subrules 64.15(2) to 64.15(5) as follows:

64.15(2) New/expansion programs ~~Programs in year one of award. Each program in year one of a grant awarded on or after July 1, 2015, shall participate in meet the program standards and accreditation process criteria of the National Association for the Education of Young Children, the Iowa quality preschool program standards, or other approved program standards as determined by the Iowa department of education during the programs' program's first year of funding. New/expansion programs shall be granted a waiver of accreditation during their first year of funding and must attain accreditation during their second year of funding. Programs not able to attain accreditation during their second year may apply for a waiver of accreditation by March 15 of the current fiscal year. Waivers shall be granted at the discretion of the council. Programs that do not attain accreditation or that do not receive a waiver will not be funded.~~

64.15(3) Programs in renewal years. ~~Continuation programs shall participate in the renewal process and maintain accreditation with the National Association for the Education of Young Children. Programs unable to maintain accreditation may apply for a waiver of accreditation. Waivers shall be awarded at the discretion of the council. Programs that do not maintain accreditation or that do not receive a waiver will not be funded.~~

a. Programs awarded grants prior to July 1, 2015, shall participate in the renewal process and maintain accreditation with the National Association for the Education of Young Children until the end of the final renewal year. Programs unable to maintain accreditation may apply for a waiver of accreditation within 30 days of the change in accreditation status. Waivers shall be awarded at the discretion of the council. Programs that do not maintain accreditation or that do not receive a waiver will not be funded.

b. Programs awarded grants on or after July 1, 2015, shall participate in the renewal process and maintain accreditation with the National Association for the Education of Young Children, the Iowa quality preschool program standards and criteria, or other approved program standards as determined by the Iowa department of education. Programs unable to maintain accreditation may apply for a waiver of accreditation within 30 days of the change in accreditation status. Waivers shall be awarded at the discretion of the council. Programs that do not maintain accreditation or that do not receive a waiver will not be funded.

c. Continuation of a grantee's participation for a second or subsequent renewal year is subject to the approval of the department based upon the grantee's compliance with program requirements and the department's review of the grantee's implementation of the grant program.

d. Awarded grantees are to maintain the program standards identified in the awarded application throughout the five-year grant cycle, unless unforeseen circumstances occur. Such circumstances will be considered at the discretion of the council.

64.15(4) Grantees shall provide annual reports that include information detailing progress toward goals and objectives, expenditures and services provided on forms provided for those reports. Failure to submit reports by the due date shall result in suspension of financial payments to the grantee until the time that the report is received. No new awards funds shall be made for continuation available to programs in renewal years when there are delinquent reports from prior grants years. No new initial awards shall be made to programs when there are delinquent reports from prior grant cycles.

64.15(5) Grantees may direct the use of moneys received to serve any qualifying child ranging in age from three years old to five years old, regardless of the age of population indicated on the grant request in the grantee's initial year of application. A grantee is encouraged to consider the degree to which the program complements existing local programs and services for three-year-old, four-year-old, and five-year-old ~~at-risk~~ children who are at risk, including other child care and preschool services, services provided through a school district, and services available through an area education agency.